

RECEIVED

DEC 04 2007

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 _____ M
WILLIAM J. WALSH
CLERK

BROADCOM CORPORATION,

: Civil Action No. 05-3350 (MLC)

Plaintiff,

v.

: AMENDED PRETRIAL
: SCHEDULING ORDER

QUALCOMM INCORPORATED

Defendant

The Court having considered the positions of the Parties as set forth in both their written submissions and in a conference call held on November 26, 2007, and good cause having been shown;

IT IS on this 30th day of November, 2007

ORDERED THAT:

1. The Parties will complete fact discovery in this case on or before December 19, 2008. No fact discovery will issue beyond that date, except upon motion and for good cause shown.

2. The Parties will complete expert discovery in this case on or before March 27, 2009. Affirmative expert reports will be submitted on or before January 27, 2009. Responsive expert reports will be submitted on or before February 27, 2009. Expert depositions will be complete on or before March 27, 2009.

3. Defendant must respond to Plaintiff's second amended complaint no later than December 21, 2007. If Defendant responds by filing a motion to dismiss, Plaintiff must file its opposition no later than January 25, 2008. Any reply by Defendant must be filed no later than February 15, 2008.

4. In accordance with Fed. R. Civ. P. 30, the Parties shall be limited to no more than 40 depositions per side (multiple day depositions by specific agreement of counsel or by order of the Court, and each deponent to be counted as one deposition) except upon leave of the Court. In accordance with Fed. R. Civ. P. 33, the Parties will be limited to 35 interrogatories (including all subparts), per Party, exclusive of any interrogatories served on or before September 1, 2006, except with leave of the Court.

5. In accordance with Fed. R. Civ. P. 26(a)(1), each Party will submit a letter, on or before December 21, 2007, to the undersigned certifying that initial disclosure has been made. This material will not be filed with the Clerk of Court.

6. Notwithstanding the pendency of any motion to dismiss, and regardless of whether Defendant has served and filed an answer, Defendant shall serve and file counterclaims no later than February 29, 2008.

7. Any motion to amend the pleadings or to join new parties, whether by amended or third-party complaint, must be filed no later than October 3, 2008, and made returnable on October 27, 2008.

8. All discovery in the cases entitled *Qualcomm Inc. v. Broadcom Corp.*, No. 05-CV-01958B (S.D. Cal.); *Qualcomm Inc. v. Broadcom Corp.*, No. 05-CV-01392 (S.D. Cal.); *Qualcomm Inc. v. Broadcom Corp.*, No. 05-CV-01662 (S.D. Cal.) (the "1662 case"); and *Qualcomm Inc. v. Broadcom Corp.*, No. 06-CV-0660 (S.D. Cal.) (the "660 case") shall be deemed to have been produced in this case and treated for all purposes as having been produced in this case, including without limitation as being subject to paragraph 23 of the Court's Order of March 13, 2006, relating to inadvertently produced materials. Qualcomm shall re-produce all documents that it produced to Broadcom in the 1662 and 660 matters, on or before December 21, 2007.

9. Any discovery or case management disputes will be brought to the Magistrate Judge's attention immediately by conference call with local counsel, with letter preceding the conference call. L. Civ. R. 37.1(a)(1); *see also* L. Civ. R. 16.1(f).

10. Counsel will confer in an attempt to resolve any discovery or case management disputes before making such dispute the subject of a motion. No discovery motion will be entertained absent counsel's full compliance with L. Civ. R. 37.1(a)(1); *see also* L. Civ. R. 16.1(f).

11. A status conference will be held before the undersigned at the Clarkson S. Fisher United States Courthouse, Trenton, New Jersey, on May 14, 2008, at 11:00 am to address settlement, the status of depositions, motions practice, and the scheduling of a pretrial conference. Trial is anticipated for June 2009.

12. The attorneys for all Parties are further directed to meet together by agreement, initiated by counsel for the Plaintiff no later than ten (10) days before the date of the pretrial conference to:

- a. discuss settlement;
- b. stipulate to as many facts and issues as possible;

c. prepare a Final Pretrial Order in the form and content as required by the Court. Plaintiff's counsel will prepare the Final Pretrial Order and will submit it to all other counsel for approval and execution. The original and one copy of the executed Final Pretrial Order will be delivered to the pretrial conference. All counsel are responsible for the timely submission of the Final Pretrial Stipulation and Order;

d. examine all exhibits and documents proposed to be used at trial; and

e. complete all other matters which may expedite both the pretrial and trial of the case.

13. An original and one copy of the proposed Final Pretrial Order are to be submitted five (5) days in advance of the pretrial conference.

14. Appropriately colored markers (obtained from the Clerk's Office) will be affixed to the exhibits at or prior to the time they are shown to opposing counsel at the meeting of counsel referred to above, and each marker will bear the number of the exhibit to which it is affixed.

15. At the pretrial conference counsel should be prepared to discuss settlement of the case. Clients must be made available by telephone.

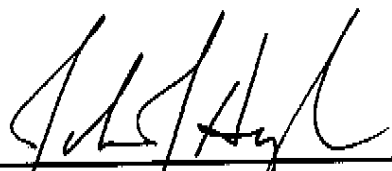
16. The Court may, from time to time, schedule conferences as may be required, either on its own motion or at the request of counsel.

17. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of the Court, even with consent of all counsel.

18. Failure to appear at subsequent conferences, or to comply with any of the terms of this Order, may result in sanctions.

19. Counsel is advised that the Court has various audio/visual and evidence presentation equipment available for use at trial at no cost to the Bar. This equipment includes an evidence presentation system, which consists of a document camera, digital projector, and screen. The projector may be used to display images which originate from a variety of sources, including television, VCR, and personal computer. The document camera may be used to display documents, photographs, charts, transparencies, and small objects. For further information, please contact the Courtroom Deputy Clerk, Denis Glynn at 609-989-0545.

20. Counsel are invited to use the *George H. Barlow* Attorney Conference Room located on the third floor of the Courthouse Annex. The room is equipped with telephones, laptop access/printer, copier, and fax.



JOHN J. HUGHES
United States Magistrate Judge

ALL PROPOSED ORDERS AND LETTER MEMORANDA SENT TO CHAMBERS SHOULD BE IN WORDPERFECT FORMAT AND E-MAILED TO: njdnef_hughes@njd.uscourts.gov. ANY FILINGS WITH THE CLERK'S OFFICE SHOULD BE IN PDF FORMAT.